

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2058 OF 2006

1. The Municipal Corporation of Greater]
Mumbai & Anr.] .. Petitioners

Versus

Mahadev Shivram Khot] .. Respondent

Mr. B.K. Ashok with A.D. Shetty and N.A. Shaikh for
the petitioners.

None for the respondent.

CORAM: S.B. MHASE, &
R.S. MOHITE, JJ.

DATED: 23RD APRIL, 2007

P.C. :

. Heard. the learned counsel for the
petitioners-Corporation.

2. The respondent was an occupant of certain
premises. Those premises were to be demolished and,
therefore, admittedly alternate accommodation was
provided by the Commissioner by order dated 11th
December, 2001. That accommodation was not accepted by
the respondent and instead, the respondent referred a
Complaint before the Human Rights Commission. The Human
Rights Commission has enquired into the matter and

directed the Municipal Commissioner to comply with the order dated 11th December, 2001. That means, the order passed by the Commissioner provided for alternate accommodation to the respondent. When that order is passed, the present Writ Petition has been preferred. In fact, there cannot be any ground for the Municipal Commissioner to make a grievance as against the order because the order passed by the Human Rights Commission is in consonance with the order of the Municipal Commissioner which has been already passed.

3. We are surprised to find that the Municipal Commissioner is taking a somersault as against his own order and we feel that the order of compensation is also justified in the facts of the present case. We refrain to entertain the Petition and it is hereby rejected.

Sd/-
[R.S. MOHITE, J.]

Sd/-
[S.B. MHASE, J.]